



# **Whistle Blowing Policy 2009**

## 1 Introduction

- 1.1 Members and employees are often the first to realise that there may be something seriously wrong within the Council. However, they may not express their concerns if they feel that speaking up would be disloyal to their colleagues or to the Council. They may also be worried about harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.2 Stafford Borough Council is committed to the highest possible standards of openness, probity and accountability. The Council supports the legislation afforded by the Public Interest Disclosure Act 1998 and therefore encourages members of the public, Councillors, employees, contractors and others that it deals with, to come forward and voice any serious concerns they may have about any aspect of the Council's work. The Council recognises the need for cases to be treated confidentially.
- 1.3 This policy makes it clear that you can voice your concerns without fear of victimisation, subsequent discrimination or disadvantage. It is intended to encourage and enable members, employees and others to raise serious concerns within the Council rather than overlooking a problem or 'blowing the whistle' outside.
- 1.4 The policy applies to all members, employees and any contractors working for the Council on Council premises, for example agency staff, builders or drivers. It also covers suppliers and those providing services under a contract with the Council in their own premises.
- 1.5 These procedures are in addition to the Council's complaints procedures and other statutory reporting procedures, and do not replace them.
- 1.6 This policy has the support of trade unions and professional organisations..

## 2 Aims and Scope of this Policy

- 2.1 This policy aims to:
- Encourage you to feel confident about raising serious concerns and to question and act upon concerns about practices
  - Provide avenues for you to raise those concerns and receive feedback on any action taken
  - Ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied
  - Reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in good faith.
- 2.2 The Council has a separate Grievance Procedure that you can use to lodge a grievance relating to your own employment. It also has procedures in relation to possible fraud or corruption and to harassment. This Whistle-blowing Policy is meant to cover major concerns that fall outside the scope of other procedures, for instance:
- Conduct which is an offence or a breach of law
  - Miscarriages of justice
  - Health and safety risks, including risks to the public as well as other employees

- Damage to the environment
- Unauthorised use of public funds
- Sexual or physical abuse of clients
- Other unethical conduct.

2.3 So you can follow this policy to report serious concerns which:

- Make you feel uncomfortable in terms of known standards, your experience or the standards you believe the Council subscribes to, or
- Is against the Council's Standing Orders and policies, or
- Falls below established standards of practice, or
- Amounts to improper conduct.

### **3 Safeguards**

- 3.1 The Council is committed to good practice and high standards and wants to be supportive to its members and employees. It recognises that the decision to report a concern can be difficult. But if you raise your concern in good faith, you are doing your duty to your employer and to service users and you should have nothing to fear.
- 3.2 If you make an allegation in good faith, but it is not confirmed by any investigation, no action will be taken against you. If, however, you make it frivolously, maliciously or for personal gain, disciplinary action may be taken against you.
- 3.2 To help in this, the Council will not tolerate any kind of harassment or victimisation and will take appropriate action to protect you when you raise a concern in good faith. Harassment or victimisation will be treated as a serious disciplinary offence which will be dealt with under the Council's Disciplinary procedure.
- 3.3 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

### **4 Confidentiality**

- 4.1 All concerns will be treated in confidence and very effort will be made not to reveal your identity if you so wish. However, you may eventually be needed as a witness in disciplinary or criminal proceedings if necessary. If you are, the Council will arrange for you to be given advice about the procedure.

### **5 Anonymous Allegations**

- 5.1 You are encouraged to put your name to your concern, as if you do, it will have a more powerful effect than if you raise a concern anonymously.
- 5.2 The Council will use its discretion in deciding whether to consider an anonymous allegation, taking into account the seriousness and credibility of the allegation, and the likelihood of confirming it with attributable sources.

## **6 How to Raise a Concern**

- 6.1 The earlier you express a concern, the easier it is to investigate and take action. As a first step, you should normally raise your concern with the Leader of your Group (in the case of members) or your line manager or Head of Service (in the case of officers). However if the matter is particularly sensitive or serious, or you suspect that management is involved, you should raise your concerns with the Chief Executive, Deputy Chief Executive, Head of Law & Administration (Monitoring Officer), Head of Finance, Audit, Risk & Business Continuity Manager, Internal Audit section, Human Resources section.
- 6.2 Concerns are best raised in writing. You should give the background and history of the concern giving names, dates and places where possible, and the reason why you are concerned about the situation. If you do not feel able to put your concern in writing, you can telephone or meet the appropriate officer. The officer notified of an individual's concern must record those concerns, taking a statement where appropriate.
- 6.3 You are not expected to prove the truth of your allegation, but you will need to demonstrate, to the person you contact, that there are reasonable grounds for your concern.
- 6.4 You might wish to discuss your concern in confidence with a colleague first, and you may find it easier to raise the matter if there are two or more of you who have the same concern.
- 6.5 You may invite your trade union, professional association representative or a friend to be with you during any meetings or interviews in connection with the concerns you have raised. Such meetings can also be held away from your place of employment if you wish.
- 6.6 If you need further advice on how to raise your concern, contact:
- The Chief Executive – tel. No 619200
  - The Deputy Chief Executive – tel. No. 619203
  - Head of Law & Administration (Monitoring Officer) – tel. No 619204
  - Head of Finance –tel. No. 619241
  - Audit, Risk & Business Continuity Manager – tel. No. 619252
  - Head of Human Resources – tel. No 619205

## **7 How the Council will Respond**

- 7.1 The Council will not ignore your concerns. The action taken will depend on the nature of the concern. The matters raised may involve:
- Internal investigation by management and / or Internal Audit
  - Referral to the Police
  - Referral to the external auditor
  - An independent inquiry
  - Referral to the Standards Committee.

- 7.2 Initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations that fall within the scope of specific procedures (e.g. discrimination issues, suspected housing benefit fraud) will normally be referred for consideration under these procedures. Some concerns may be resolved by agreed action without the need for an investigation.
- 7.3 The person dealing with the matter will write to you within ten working days of receiving your concern, to
- Acknowledge that the concern has been received
  - Indicate how the Council intends to deal with the matter
  - Give an estimate of how long it will take to provide a final response
  - Tell you whether any initial enquiries have been made
  - Supply you with information on staff support mechanisms and
  - Tell you whether further investigations will take place and if not, why not.
- 7.5 You may be asked to supply more information or to clarify, if necessary. When any meeting is arranged, you have the right if you so wish, to be accompanied by a Union or professional association representative, an Employee Support officer or a friend who is not involved in the area of work to which the concern relates.
- 7.6 The Council will inform you of the outcome of any investigation as far as it is able subject to legal constraints.

## **8 The Responsible Officer**

- 8.1 The Deputy Chief Executive has overall responsibility for the maintenance and operation of this policy, and will maintain a confidential record of concerns raised and the results of any investigations made. The Deputy Chief Executive will report the results of investigations as appropriate to the Standards Committee.

## **9 How You Can Take the Matter Further**

- 9.1 This policy is intended to help you to raise concerns within the Council. The Council hopes you will be satisfied with any action taken. If you are not satisfied that the outcome of the investigation has adequately addressed your concerns, you should advise the Responsible Officer. Alternatively, you may wish to raise the continued concern with the Council's Monitoring Officer (currently the Head of Law & Administration). Alternatively, you might wish to raise the matter with the Chair of the Standards Committee (Tel: 01889 883985). This could be appropriate where the concern is related to a very senior officer or an elected member.
- 9.2 If you feel it is right to raise the matter outside the Council, the following are possible contact points:
- The External Auditor – the Audit Commission
  - Your local Council member (if you live in the area of the Council)
  - Your trade union
  - Your local Citizens Advice Bureau
  - Relevant professional bodies or regulatory organisations
  - Public Concern at Work

- The Police.

The Audit Commission has established a dedicated telephone hotline for receiving disclosures. The hotline is manned during normal office hours and a dedicated answering machine is available to callers outside of office hours. The hotline number is 0845 0522 646.

Public Concern at Work are a registered charity set up to give free independent advice to employees who contact them with concerns. The Public Concern at Work telephone number for general enquiries and helpline is 020 7404 6609.

- 9.3 If you do take the matter outside the Council, you should ensure that you do not disclose confidential information.

## 10. **Alternative Complaints Procedures**

- 10.1 In addition to the internal complaints and Whistleblowing procedures, any member of the public may make a complaint against the Council by contacting ;

The Local Government Ombudsman  
Commission for Local Administration in England  
21 Queen Anne's Gate  
London  
SW1H 9BU